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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/660,112   | 09/12/2000  | JANUSZ HYZIAK        | CE03978R            | 6745             |
| 22917  | 7590        | 02/02/2005           | EXAMINER            |                  |
| MOTOROLA, INC.<br>1303 EAST ALGONQUIN ROAD<br>IL01/3RD<br>SCHAUMBURG, IL 60196 |             |                      | GRANT II, JEROME    |                  |
|  |             | ART UNIT             | PAPER NUMBER        |                  |
|  |             |                      | 2626                |                  |
| DATE MAILED: 02/02/2005  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 09/660,112             | HYZIAK ET AL        |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Jerome Grant II        | 2626                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 September 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

Detailed Action

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim.

With respect to claim 1, Kim teaches a method of reducing facsimile transmission duration on a CDMA cellular communication network comprising:

Base station 30 for detecting a first CDMA terminal 20 coupled to a first fax machine 10, a first multi byte message that identifies the first element of the sequence in a fax control message (the procedure is explained at col. 4, line 49 to co. 5, line 15; sending from said first CDMA terminal 20 to a second cell terminal 40 coupled to a second fax machine 70. a preamble message indicator, at the beginning of the fax transmission, see col. 4, lines 49 to col. 5, line 15. *The preamble message indicator is the confirmation of the ring tone as shown by SO in figure 4A.* This signal precedes a preamble. The preamble message referred to by Kim corresponds to the phase training at steps S6, S7 or S11. Kim teaches a second CDMA terminal 40 regenerating said first multi-byte message preamble to said second analog fax machine upon receipt of the preamble message indicator, note the CFR signal . See also col. 5, lines 7-10.

What is not shown by Kim is that the fax machine is analog. Kim provides that the fax machine is a digital G3 machine. However, the user of A/D and D/A converters is well known in the art. It would have been obvious to substitute an analog fax coupled with a analog to digital converter, for the purpose of converting the analog data to digital so that it can operate over the specific digital network described by Kim. Subsequently, it would have been obvious to replace the G3 machine at the receiving end with a D/A converter coupled to an analog fax so that a second wireless fax receives its content in analog representation.

With respect to claim 2, Kim teaches the DTC or RTC signal as the fax message control from the first terminal to the second terminal.. See also figures 4a and 4b.

Kim teaches a second terminal 40 for sending a control message to a fax machine 70.

With respect to claim 3, Kim teaches byte patterns or standard T.30 protocol signals. See the bottom of col. 2, and figures 4a and 4b.

With respect to claim 4, the first error message as claimed refers to the FTT signal (failure to train) well known in the CCITT standards.

With respect to claim 5, Kim teaches the CTC signal which is the (continue to correct) signal.

With respect to claim 6, a communication error is detected via the modem which looks for he CFR signal. If it does not receive it then it is interpreted that an error occurred in transmission. The termination of the preamble message at the remote terminal is performed by the DIS (disconnect signal) referred to by the CCITT standard.

With respect to claim 7, Kim teaches receiving a wireless CDMA terminal control message. See the bottom of col. 2, and col. 3, lines 5-16. Kim teaches a fixed unit 20 or base unit 30, according to figure 1, for detecting a wireless terminal as claimed.

With respect to claim 8, Kim teaches fill data that is provided as multi-byte message preamble information that is variable. See col. 3, line 58.

With respect to claim 9, Kim teaches a network terminal 40 upon receipt of a preamble signal indicator, detecting a communication error (lack of CFR) when the intended subsequent message was not received . The termination of multi-byte messages at the second network is done by the generation of DIS signal (disconnect signal).

With respect to claim 10, Kim teaches , Kim teaches receiving a wireless CDMA terminal control message. See the bottom of col. 2, and col. 3, lines 5-16. Kim teaches a fixed unit 20 or base unit 30, according to figure 1, for detecting a wireless terminal as claimed.

With respect to claim 11, Kim teaches reduced data which occurs when there is no fill bits that are ordinarily sent along with fax data. Ordinarily fax data plus oxFF bits are sent according to col. 3, line 58.

With respect to claim 12, Kim teaches a first CDMA terminal 30 that detects a transmission message preamble (according to col. 4, line 49- col. 5, line 15) identifying the beginning of an T.30 compliant fax message from a first fax machine 10 and which sends information to a distant second fax CDMA terminal 40, a reduced preamble indicator (Fax data – fill bit (to keep system fro disconnecting before the next message is sent). The PMI message is sent to a second data terminal 70 at the beginning of the transmission. Kim teaches a second data terminal 40 that is capable of detecting the reduced duration preamble indicator message and in response thereto indicate a transmission to a second fax machine 70.

What is not shown by Kim is that the fax machine is analog. Kim provides that the fax machine is a digital G3 machine. However, the user of A/D and D/A converters is well known in the art. It would have been obvious to substitute an analog fax coupled with a analog to digital converter, for the purpose of converting the analog data to digital so that it can operate over the specific digital network described by Kim. Subsequently, it would have been obvious to replace the G3 machine at the receiving end with a D/A converter coupled to an analog fax so that a second wireless fax receives its content in analog representation.

**Examiner's Remarks**

**The examiner notes that no amendments have been included in this response contrary to the title of applicant's response . Furthermore, applicant's arguments have been considered but do not overcome the rejection set forth in the office action mailed May 18, 2004.**

**In the second full paragraph of page 3 of the remarks, applicant makes four salient arguments.**

**First, applicant contends that Kim does not have anything to do with preambles. Second, applicant contends that Kim does not have anything to do with wireless conveying a preamble between a first and second wireless end. Third, applicant contends that Kim does not have a preamble indicator that is conveyed between the first and second wireless end prior to conveying the preamble. Fourth, applicant contends that Kim does not teach a conveyance of an indicator of a wireless message between a receiving /transmitting end and a transmitting/receiving end prior to conveyance of the message itself.**

**With respect to the first point, Kim does teach preambles regarding the training information that comes before the message of the fax transmission. The preambles include steps S6, S7 and S11 shown in figures 4A. With regard to the second argument, applicant's argument is not supported by the claim language. In other words, there is no language in the claim that specifically states or is inferred to state, "... wireless conveyance of a preamble between a first and second wireless end." Third, applicant contends that Kim does not have a preamble indicator which precedes the preamble. The examiner contends that the preamble indicator is the ring signal that is detected by the receiving fax which precedes the preamble and the actual message. With respect to the fourth argument, applicant is arguing a limitation that is not claimed or supported in claim 1. There is no recitation in the claim which suggests, "... conveyance of any indicator of a wireless message between are receiving/transmitting end and a transmitting/receiving end prior to conveyance of the message itself."**

**Applicant's arguments regarding claims 2-12 have been considered. However, the rejection to these claims is maintained in view of the office action mailed May 18, 2004 and the comments included in response to applicant's arguments.**

Art Unit: 2626

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:0 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703- 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jerome Grant II